

## **Undesirable and Unreturnable: deportation, voluntary return and relocation**

### **A case study of the Netherlands**

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This seminar explores the many possible scenarios that might follow after an immigrant is deemed undesirable and unreturnable at the same time. Many options are discussed, ranging from prosecution, extradition or humanitarian alternatives of 'condoning'. In this short positioning paper I will reflect on three other possible scenarios: i) deportation, ii) voluntary return to the country of origin, and iii) relocation to third countries.

It is important to acknowledge that situations of 'unreturnability' are in many instances temporary in nature. For this reason countries often have policies by which immigration authorities periodically assess whether or not someone can be refouled. When the competent authorities believe the situation in the country of origin has improved, they may consider to deport an undesirable and long-time unreturnable individual. In this paper I will share some experiences with and challenges in deporting undesirable individuals from the Netherlands. Focus will be on 1F-excluded individuals. On issues related to memoranda of understanding I refer to MariGiulia Giuffrè's paper.

Next, I will discuss why and to what extent 1F-excluded individuals who are protected from refoulement may voluntarily decide to return to their country of origin. Indeed, although government might not be allowed to deport them, they may nonetheless consider that return to their country might be in their best interest anyway. I will discuss that governments have different perspectives and policies when it comes to promoting voluntary return of undesirables.

Finally, I will reflect on the question whether and how undesirables can be relocated to third countries. I will differentiate between institutionally- and self-arranged relocation arrangements. Again special attention will be given to 1F-excluded individuals in the Netherlands.

### **Deportation from 1F-excluded individuals in limbo in the Netherlands**

The Netherlands excludes before it includes. Different from those countries which include before they exclude, this implicates that most 1F-excluded individuals in the Netherlands are expected to return to their country of origin, or at least, to leave the Netherlands.<sup>2</sup> Nonetheless, the Netherlands has been - and continues to be - faced with a group of some 150 or so 1F-excluded individuals who could not be deported for many years because their countries of origin were/are deemed too dangerous to return to (in particular Afghanistan and Iraq).<sup>3</sup>

Like many other European countries, the Netherlands for many years did not have a particularly active deportation policy. Expulsion of failed asylum seekers and other undocumented migrants only seriously started in 2007 with the instalment of a dedicated organisation called the [Repatriation and Departure Service](#) (DT&V). In the early years after its establishment DT&V focused in particular on 'low hanging fruit'; the relatively easy to deport individuals. Between 2008 and 2013 roughly 30 1F-

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<sup>2</sup> Reijven, J. & Wijk, J. van (2014), Caught in Limbo: How Alleged Perpetrators of International Crimes who Applied for Asylum in the Netherlands Are Affected by a Fundamental System Error in International Law, *International Journal of Refugee Law* 26(2): 1-24.

<sup>3</sup> See paper Maarten Bolhuis

excluded persons were forcibly deported.<sup>4</sup> Over the years DT&V however gradually shifted its attention to the more difficult to deport individuals, including the until then considered to be 'unreturnable' 1F-excluded. By now, DT&V is actively monitoring and 'pushing' 1F-excluded individuals to return to their country of origin. DT&V case managers visit all excluded individuals, including the ones with Article 3 ECHR protection, periodically (every six months). They are informed that they are not allowed to stay in the Netherlands and questioned about their plans to leave the country. Also individuals of whom it has been well established that they cannot be expected to return any time soon are visited. All undocumented immigrants are expected to cooperate in their return. When DT&V considers a country of origin safe enough to return to, it may request the aliens police to apprehend the undocumented immigrant, place him or her in alien detention and start the deportation process.

Similar to many other countries, (threats of) deportation of 1F-excluded individuals leads to much legal arm wrestling and political controversy. If they can find a lawyer willing to take their case,<sup>5</sup> the excluded individuals will use all national and international legal procedures available to (temporarily) block such deportation.<sup>6</sup> Different from many other countries, political controversies about (upcoming) deportations of 1F-excluded individuals are typically not given in by interest groups pushing for deportation, but instead, by interest groups trying to block and frustrate expulsion. In particular threats to deport 1F-excluded Afghans<sup>7</sup> virtually always create much media attention and political debates. 1F-excluded Afghan men generally reside with relatives who remain lawfully in a Dutch municipality and actively participate in local social life.<sup>8</sup> When they do not have family members, they may have been taken care of by interest groups or church shelters.<sup>9</sup> While defined as alleged war criminals by the IND (which is usually confirmed by the Council of State), neighbors of excluded Afghan claimants often perceive them as perfect law-abiding citizens who are well-integrated in Dutch society. Their children do well at school and since the excluded persons themselves have no access to paid lawful employment, many work as volunteers or pass their time largely indoors, afraid of being deported. Unique to the Dutch context is the collective – and relatively successful – lobby of Afghan 1F-excluded individuals for media attention and sympathy.<sup>10</sup> Their call for sympathy succeeds particularly when they are threatened with deportation and have lived in limbo for years. On several occasions, entire villages were mobilized to lobby for the fate of excluded Afghan men.<sup>11</sup> Neighbors and municipalities in which the Afghan excluded persons and their families reside are often aware of their limbo situation. Threats to deport their cherished neighbor offend the local community and lead to critical questions along the following lines: How

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<sup>4</sup> See paper Maarten Bolhuis for more details

<sup>5</sup> Due to recent cuts in legal aid, this has become a problem. From personal communication I know, for example, of 1F-excluded individuals in need of legal advice who faced serious challenges in finding a lawyer willing to take their case for this reason.

<sup>6</sup> Think in this regard also about the so-called Rule 39 Interim Measure at the European Court of Human Rights (ECtHR).

<sup>7</sup> More information about the background of Afghan 1F-excluded individuals, see paper Maarten Bolhuis

<sup>8</sup> Reijven, J. & Wijk, J. van (2014), Caught in Limbo: How Alleged Perpetrators of International Crimes who Applied for Asylum in the Netherlands Are Affected by a Fundamental System Error in International Law, *International Journal of Refugee Law* 26(2): 1-24.

<sup>9</sup> E.g.: <<http://www.stoutenburg.nl/Nader-Shahjan.htm>>

<sup>10</sup> E.g. Botje, H., 2012. Vervolg ons dan! Accessed May 29, 2013 from <[www.vn.nl/Archief/Politiek/Artikel-Politiek/Vervolg-ons-dan.htm](http://www.vn.nl/Archief/Politiek/Artikel-Politiek/Vervolg-ons-dan.htm)>; Van der Heijden, J., 2012. Geef mensen met 1F een eerlijk proces. *De Volkskrant*. Accessed May 29, 2013 from <[www.volkskrant.nl/vk/nl/2844/Archief/archief/article/detail/3235597/2012/04/04/Geef-mensen-met-1F-een-eerlijk-proces.dhtml](http://www.volkskrant.nl/vk/nl/2844/Archief/archief/article/detail/3235597/2012/04/04/Geef-mensen-met-1F-een-eerlijk-proces.dhtml)>

<sup>11</sup> For a recent example: <[www.petities.nl/petitie/de-familie-akbari-moet-blijven](http://www.petities.nl/petitie/de-familie-akbari-moet-blijven)>. The efforts were in vain; the minister decided he could be deported: <[www.nu.nl/binnenland/2879247/geen-uitzondering-voor-familie-akbari.html](http://www.nu.nl/binnenland/2879247/geen-uitzondering-voor-familie-akbari.html)>. Both accessed August 8, 2012.

could this well-integrated father, this volunteer at the soccer club, be deported to this dangerous country? How could government claim that this would not necessarily frustrate the right to family life (art. 8 ECHR) by arguing that the relatives are free to join their father and move to Afghanistan? Do we really expect a 17-year-old girl who has been living in the Netherlands for 15 years to return to Kabul? What justice is this? The most recent deportation of a 54-year-old Afghan in January 2015, again, became national news when one of his daughters started a social media campaign to take him off the plane.<sup>12</sup> She appeared on television and in national newspapers, often accompanied by the founder of “*Stichting 1F*”, a foundation dedicated to lobbying for the fate of 1F-excluded individuals, Afghans in particular.

The Afghan men are not only supported by their neighbors or representatives of churches. Also local politicians (including mayors) and national parliamentarians have proved supportive. Disagreement between local representatives and national government led to much consternation in 2011 and 2012. In those years around forty mayors started to advocate for a review of the current 1F policy with regard to Afghan men excluded based on the Foreign Affairs report on Afghanistan of 2000.<sup>13</sup> An illustration of how stained the relationship between municipalities and national government had become, is that one mayor had ordered the local police not to arrest and deport an excluded Afghan inhabitant of her municipality in spite of such orders from the Minister for Immigration, Integration and Asylum. Whereas the Minister argued mayors do not have a say on matters of alien deportation, the mayor contested that public order in her municipality would be at risk if the beloved Afghan neighbors were to be deported.<sup>14</sup> The mayor feared that the Afghan’s wife, who suffered from depression, would (threaten to) commit suicide, which would lead to fierce protests in the local community. Part of the ensuing discussion between mayors and Minister was the mayors’ demand for more information on the reasons for the application of article 1F to the cases of asylum claimants residing in their community. They also demanded suspension of the removal proceedings concerning excluded Afghans.<sup>15</sup> Similar suspensions have only recently (January 2015) been suggested by parliamentarians.<sup>16</sup>

In sum, the Dutch government actively deports 1F-excluded individuals, including those who have been unreturnable for many years. In doing so, the government is not only confronted with legal challenges, but also with civil and political protests. In particular the deportation of Afghan men causes fierce criticism. Where deportations of 1F-excluded of other nationalities do not make the headlines, the initial granting of asylum to Afghan KhAD/Wad officers in the late 1990s, followed by a their categorical exclusion in the 2000’s,<sup>17</sup> cause legal and political controversy up to this day. This contra-intuitive societal and political support for alleged war criminals can on the one hand be explained by the heavily criticized specific categorical exclusion policy for KhAD/Wad officers. Another, in the context of this seminar, perhaps just as important factor is the fact that the Afghan

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<sup>12</sup> See <<http://www.dutchnews.nl/news/archives/2015/01/refugee-family-torn-apart-as-father-is-deported-to-afghanistan-after-18-years.php/>>

<sup>13</sup> ‘Giessenlanden gemeente’ petition. Their last letter to the minister for Integration, Immigration and Asylum is dated on July 2, 2012. Accessed August 5, 2012 from <[www.tekenvoorrechtvaardigheidinederland.nl/uploads/Brief-burgemeesters-aan-minister-Leers-2-Jul-2012.pdf](http://www.tekenvoorrechtvaardigheidinederland.nl/uploads/Brief-burgemeesters-aan-minister-Leers-2-Jul-2012.pdf)>

<sup>14</sup> Seegers, J., 2012. Burgemeesters 40 gemeenten massaal in verzet tegen Leers. *NRC*. Accessed May 29, 2013 from <[www.nrc.nl/nieuws/2012/04/01/burgemeesters-40-gemeenten-massaal-in-verzet-tegen-leers/](http://www.nrc.nl/nieuws/2012/04/01/burgemeesters-40-gemeenten-massaal-in-verzet-tegen-leers/)>

<sup>15</sup> ‘Giessenlanden gemeente’ petition. Their last letter to the minister for Integration, Immigration and Asylum is dated on July 2, 2012. Accessed August 5, 2012 from <[www.tekenvoorrechtvaardigheidinederland.nl/uploads/Brief-burgemeesters-aan-minister-Leers-2-Jul-2012.pdf](http://www.tekenvoorrechtvaardigheidinederland.nl/uploads/Brief-burgemeesters-aan-minister-Leers-2-Jul-2012.pdf)>

<sup>16</sup> See <<http://www.volkskrant.nl/dossier-afghanistan/vermeende-afghaanse-oorlogsmisdadigers-niet-zomaar-uitzetten~a3844607/>>.

<sup>17</sup> See paper Maarten Bolhuis.

men have often lived in the Netherlands for more than 15 years and have been in legal limbo for often more than a decade. These relatively well-integrated men, but in particular their very well-integrated and educated relatives, have over the years created a powerful constituency and can – in contrast to single men in similar situations - mobilize much support in fighting deportation.

### **Voluntary return of 1F-excluded individuals in the Netherlands**

Above I already discussed that most 1F-excluded individuals are, in principle, expected to leave the Netherlands. Instead of waiting for possible deportation they may also opt to voluntarily (or, perhaps less euphemistically, 'independently') return to their country of origin. Even when protected from refoulement by article 3 ECHR, excluded individuals may in theory decide to return. The living conditions for a stigmatized war criminal in Europe can be stern. In the Netherlands, they become '*persona non grata*', have no access to housing, work or health insurances. Countries of origin are often vast places and with the assistance of their social network they may think out a plan to safely return.

There is no public information available how many individuals notwithstanding article 3 ECHR protection have decided to voluntarily return. Although voluntary return is certainly applauded by Dutch government (an alleged war criminal has left the country), it does not actively promote the voluntary return of 1F-excluded individuals. They are for example barred from receiving IOM reintegration packages, which may amount up to 1.750 euros. Also persons convicted for human trafficking, human smuggling or sexual offences or anyone else who has been issued an entry ban for a period longer than 5 years is excluded from receiving this reintegration package.<sup>18</sup>

Interesting in the context of this seminar, is that not all European countries have the same approach in this regard. IOM Norway, for example, provides reintegration packages of up to 2.300 Euros (20.000 NOK) for undocumented migrants who voluntarily return to their country of origin. No reservations are made in relation to individuals with travel bans or 1F exclusions.<sup>19</sup> Although giving undesirable aliens access to reintegration packages is certainly not the 'golden bullet' to resolve the problem, it would be interesting to learn more about policies in other countries in this regard.

### **Relocation of persons who are excluded under 1F in the Netherlands**

In the Summer of 2014 the Dutch State Secretary informed parliament that out of the 70 1F-excluded individuals in DT&V's caseload which were marked unreturnable because of article 3 ECHR considerations since January 2009, less than 10 had demonstrably left to a third country.<sup>20</sup>

There are roughly two different ways by which undesirable and unreturnable immigrants can be relocated/resettled to third countries. The *first modality* that comes to mind is institutionally arranged relocation, whereby governments facilitate the relocation or resettlement. Since apart from rogue states few countries are likely to willingly accept such individuals, such relocations generally involve a certain level of 'wheeling and dealing'. The most well-known institutionally arranged relocation of undesirable and unreturnable individuals that comes to mind may be the relocation of Guantanamo Bay inmates. The Obama administration managed to relocate its unreturnable Guantanamo Bay inmates to a variety of countries, including Estonia, Oman,

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<sup>18</sup> IOM policy Return and Reintegration Regulation (HRT), Infosheet HRT Engels 2014-06-620. HRT funding is financed by the Ministry of Foreign Affairs from the development aid budget. We could not find any formal line of argumentation as to why the HRT allowance is not available for excluded persons.

<sup>19</sup> See <<http://www.iom.no/en/varp/fsr>>.

<sup>20</sup> Kstk. 19 637 Vreemdelingenbeleid, Nr. 1808 Verslag van een schriftelijk overleg, Vastgesteld 14 april 2014

Kazakhstan, Uruguay and Saudi Arabia.<sup>21</sup> No quid pro quo has become public, but even the tropical island of Bermuda has in 2009 happily received four Uighurs.<sup>22</sup> As far as I know, no other countries have so systematically tried to relocate their undesirable and unreturnable aliens.<sup>23</sup>

Secondly, one can identify self-arranged modalities of relocation. In this respect it is possible to differentiate between formal and alternative self-arranged schemes. An illustration of a formal self-arranged relocation scheme would be if an undesirable individual personally requests another state for a visa with the intention to apply for a residence permit. 1F-excluded individuals in the Netherlands regularly try to do this, because they have to demonstrate that they have done everything in their power to leave the Netherlands in order to qualify for a residence permit on the basis of the 'durability and proportionality test'.<sup>24</sup> Their experiences learn that it is far from easy to find a country willing to accept 1F-excluded individuals. Even if the receiving state is not obliged to deny 'undeserving' refugees asylum – for example, where the Refugee Convention has not been ratified - the (habitual) lack of identity documents, problems in obtaining the required visa, and limited financial means to purchase tickets seriously hamper self-arranged relocation attempts. I know of a non-removable alleged 1F offender from Afghanistan who requested Belgium, Denmark, Finland, Sweden, Italy, Malta, Lithuania or Switzerland to host him. All countries answered in the negative and referred to the Dublin Convention. He then, in vain, approached non-EU countries such as Canada, Australia, the United States, Turkey, and Mexico for a visa.<sup>25</sup> For obvious reasons, his experiences are not exceptional. Why would any country be willing to host an individual who was labelled an alleged war criminal in the Netherlands?

The chances for 1F-excluded individuals to resettle in a country by means of self-arranged relocation schemes are probably much higher if they use informal ways of moving around. This is what some members of the Mujahedin-e Khalq have tried to do. This Iranian opposition group was hosted by Saddam Hussein in Iraq until the United States took control of their main camp, Camp Ashraf, in April 2003. Since no country was willing to relocate them, some 200 individuals tried to irregularly make their way to Europe via Iraqi Kurdistan and Turkey. Many of them suffered extreme hardship along the way in the form of detention, refoulement and sometimes torture and death.<sup>26</sup> Excluded individuals who already reside in Europe often do not engage in such dangerous journeys for other countries. They may, however, use all sorts of alternative strategies in trying to relocate to another European country. An illustration of such an alternative is the so-called 'Europe route'.<sup>27</sup>

Rafiq Naibzay is an Afghan national who was excluded from refugee protection on the basis of Article 1F Refugee Convention. His case attracted much media attention when Dutch government threatened to deport him. It was the mayor of the town where he lived which over the years caused most political opposition against the Dutch 1F policy in order to prevent his expulsion. Early 2013 it

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<sup>22</sup> E. Eckholm, 'Out of Guantanamo, Uighurs Bask in Bermuda', *New York Times*, 14 June 2009.

<sup>23</sup> Of a completely different order, and without much deal making involved, one could however argue that a transfer by means of a Dublin Convention could in certain contexts de facto also be considered an institutionally "pre-arranged" relocation scheme. Indeed, if an unreturnable undocumented individual is issued a travel ban in the Netherlands, he will after having served his sentence be relocated to another Schengen country if Dutch government is aware that the individual had once applied for asylum in that country. This scheme certainly does not explicitly see to relocation of undesirable and unreturnable immigrants.

<sup>24</sup> See paper Maarten Bolhuis.

<sup>25</sup> J. Reijven and J. Van Wijk, footnote 44.

<sup>26</sup> T. Boer and M. Zieck (2014), From internment to resettlement of refugees: on US obligations towards MeK defectors in Iraq, *Melbourne Journal of International Law*, 15(1), 21 – 108.

<sup>27</sup> J. Reijven and J. van Wijk (2014), "Probleem opgelost? Hoe van asiel uitgesloten vermeende oorlogsmisdadigers toch rechtmatig in de EU kunnen verblijven", *Asiel en Migrantenrecht* 7: 256-261.

turned out that there was no need any more to prevent the deportation from taking place. A press briefing on the website of the town where he used to live stated:

*“The man has fought for more than fifteen years to obtain a passport, just like his family had. He has given up hope and now chooses to leave his rightless situation in the Netherlands behind and to build up a new life abroad.”<sup>28</sup>*

Naibzay had obtained a residence permit in Belgium. How did he manage to do this? The State Secretary of Immigration Affairs informed Dutch Parliament that he had used what is often referred to as the ‘Europe-route’.<sup>29</sup> He might have been in the position to go to Belgium if he had a family member who is a EU-citizen in possession of a status as long-term resident or the Dutch nationality. On the basis of Article 10 of Qualification Directive, this family member has the right to live in another EU country for three months, as long as s/he does not “become an unreasonable burden on the social assistance system of the host Member State during an initial period of residence”.<sup>30</sup> Family members of EU-citizens are free to travel and stay in the same EU countries as their kin, as long as their identity and a sustainable family relation are determined. If after three months the family member meets the criteria posed by article 7 of the Directive, s/he can apply for family reunification. Apparently, the Belgian immigration authorities granted this application. For this reason, this immigrant who was deemed undesirable in the Netherlands could obtain a temporary residence permit for five years in Belgium after which he and his family member can apply for a permanent residence permit. In principle, article 27 of the Directive could block 1F-excluded individuals from settling in other European countries. But this only works out if the receiving country is properly informed and agrees that an alien’s previous conduct “represent[s] a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society” and acts upon receiving this information.

In other words, if properly informed, the Belgian immigration authorities – like other European countries – could block the ‘Europe-route’ of 1F-excluded individuals or, for that matter, any other immigrants representing a genuine, present and sufficiently serious threat. The fact that the authorities in this particular case have not done so, gives rise to the question whether they were actually aware that this individual had been excluded in the Netherlands. If the applicant used the same family name in both countries, the Schengen Information System (SIS) seems the designated source to check the background of any new immigrant. The Dutch immigration authorities are obliged to consult SIS with every application for granting, extending, changing, renewing or replacing a residence permit; it is likely that similar regulation is in place in other countries. Although many countries nowadays do as a standard practice issue an entry ban after applying 1F and although such bans are registered in SIS, the system does not provide information on the reasons why someone has been given an entry ban. Whether or not someone is excluded on the basis of 1F is for this reason not explicitly registered in SIS. As an additional source of information the Belgian authorities could have checked the national Supplementary Information Request at the National Entry (SIRENE) offices. But information exchange through this system does not take place automatically, states are not obliged to exchange this information and the national systems may not match with each other.<sup>31</sup> Apart from the possible malfunctioning of the European information systems, there could be many other possible explanations for the fact that Belgium granted the request for family reunification.

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<sup>28</sup> “Afghaanse vluchteling Rafiq Naibzay uit Hoogblokland verlaat Nederland”, *Het Kontakt*, available online at <http://www.hetkontakt.nl/alblasserwaard/nieuws/afghaanse-vluchteling-rafiq-naibzay-uit-hoogblokland-verlaat-nederland>.

<sup>29</sup> *Kamerstukken*, 2013, ah-tk-20122013-1774.

<sup>30</sup> Article 10 of Qualification Directive 2004/38/EC.

<sup>31</sup> SIRENE Manual (2003/C 38/01).

The Belgian government may, for example, have on an ad-hoc basis received information that Naibzay has been excluded, but may have a different opinion on whether 1F-excluded individuals form a “genuine, present and sufficiently serious threat”. It is furthermore possible that Naibzay, for whatever reason, had not (yet) been imposed an entry ban. The Dutch authorities may have mistakenly omitted updating the information in SIS, or the Belgian authorities may have omitted consulting it. Naibzay may have also used different family names in both countries.

In sum, the above shows that it is possible for undesirable immigrants to be relocated. With government support, they may benefit from institutionally arranged schemes. Formal self-arranged relocation by means of requesting visas or residence permits often have little success, but by means of alternative self-arranged schemes it may be possible to elsewhere resettle as legal immigrants within the European Union. It is not known how many individuals make use of the so-called Europe-route. 1-10 individuals may have *demonstrably* been relocated to third countries (either within or outside Europe), but Dutch government only counts what it is aware of. The actual number of relocations may be much higher. There is a plethora of possible reasons why states are currently not denying residence permit requests to persons who have been deemed undesirable elsewhere in Europe. The result is that undesirable and unreturnable aliens, with some creative strategies may not be ‘unrelocationable’.

The fact that individuals who are deemed undesirable manage to find ways to still reside in Europe can be seen as problematic. Unwanted and possibly dangerous individuals continue to live in Europe. At the same time, one could also argue that the Europe route not only for the individuals concerned, but also for national governments may be regarded a pragmatic solution for the fundamental system error in international law they see themselves faced with. Governments are ‘stuck’ with undesirable people who simply cannot be deported. The perspective that these people can find ways to legally reside in another country may be appealing. It offers a pragmatic solution of the ‘deadlocked’ situation: an impossible to deport alleged war criminal has left the country, without complex legal procedures and without violating any international obligations. The Dutch State Secretary, however, proves to be more principled than pragmatic. In 2014 he informed parliament to discuss “a concrete case” of a 1F excluded individual who obtained a residence permit in Belgium.<sup>32</sup>

## Conclusion

By focusing on the situation of 1F excluded individuals in the Netherlands, this paper reflected on three possible scenarios for undesirable and unreturnable individuals.: i) deportation, ii) voluntary return to the country of origin and iii) relocation to third countries.

It discussed that the Netherlands does actively monitor if 1F excluded individuals can be deported to their country of origin. In case the country is deemed safe enough for return, 1F excluded individuals, no matter how long they have lived in the Netherlands, may face deportation. Different from many other countries, political controversies about (upcoming) deportations of 1F-excluded individuals are typically not given in by interest groups pushing for deportation, but instead, by interest groups trying to block and frustrate expulsion.

There is no public information available how many 1F-excluded individuals with article 3 ECHR protection have voluntarily returned to their country of origin. Government does not promote voluntary return; IOM reintegration packages are e.g. not available for this group.

Finally, I discussed the different ways by which undesirable and unreturnable immigrants can be relocated/resettled to third countries. Institutionally arranged relocation, whereby governments

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<sup>32</sup> Kamerstukken 19637, nr. 1883, p.14.(2014)

facilitate the relocation or resettlement, often proves unsuccessful. Formal self-arranged modalities of relocation may be more successful, when an undesirable individual personally requests another state for a visa with the intention to apply for a residence permit, also proves not very successful. Informal self-arranged relocation, e.g. by means of the so-called Europe route, may be the most fruitful option for undesirable and unreturnable individuals to get out of their limbo situation. Although it offers a pragmatic solution for the individual concerned, it still does not offer a sustainable solution for the fundamental system error that is at the heart of this seminar.